

EX PARTE OR LATE FILED

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September 20, 1994

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Mr. Reed E. Hundt
Chairman
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

SEP 20 1994

DOCKET FILE COPY ORIGINAL

Re: PR Docket No. 93-61
Written Ex Parte Presentation

Dear Mr. Hundt:

Under cover of letter dated September 19, 1994, the leading members of the Electronic Toll and Traffic Management industry, which supply virtually all of North America's operational local-area automatic vehicle monitoring (AVM) capability, submitted a written *ex parte* presentation (dated August, 1994) in this proceeding. The letter expressed unequivocal support for the continued use of the 902-928 MHz band for local-area AVM in the United States -- which local-area AVM systems have used on a co-primary basis for the past 20 years - - and their opposition to any efforts to adopt 2.45 GHz for local-area AVM in this country on technical, regulatory, and economic grounds. The letter also urged the Commission to act quickly to finalize its rulemaking in Docket 93-61 to alleviate any confusion and uncertainty in the marketplace that may have resulted from the long pendency of this rulemaking.

As one of the letter's ten signatories, AMTECH Corporation ("AMTECH") embraces these positions. AMTECH wants to make clear, however, that neither the letter itself, nor AMTECH's participation therein, should be construed as support for the Commission staff's informal bandplan proposal on which some parties were invited to comment on August 12, 1994, or the proposal as set forth in the Notice of Proposed Rulemaking, 8 FCC Rcd 2502 (1993). Rather, AMTECH's preferred position remains the same as that expressed in its earlier written comments and reply comments in this proceeding, as well as its *ex parte* presentations. As a compromise resolution to this proceeding, however, AMTECH supports the Modified NPRM Band Plan it recently presented to members of the Commission staff. Materials briefly describing the plan and its primary advantages are attached hereto.

Two copies of this presentation and its enclosures are being filed with the Secretary pursuant to Section 1.1206(a)(1) of the Commission's Rules.

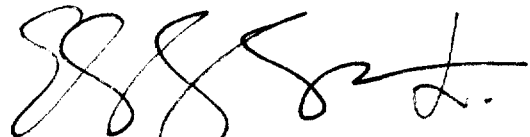
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Please do not hesitate to contact the undersigned if there area any questions regarding this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. Yorkgitis, Jr.', with a stylized flourish at the end.

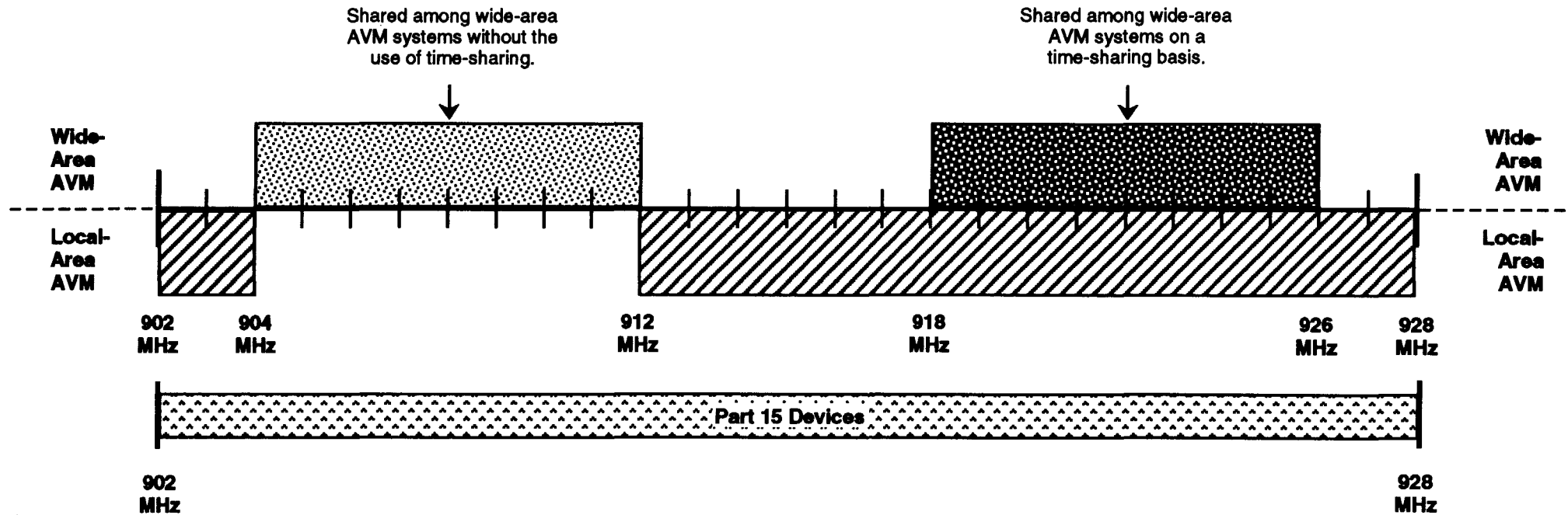
Edward A. Yorkgitis, Jr.
Attorney for AMTECH
Corporation





EAY/ean
Enclosures

cc: Commissioner Andrew C. Barrett
Commissioner Rachelle B. Chong
Commissioner Susan Ness
Commissioner James H. Quello
Ruth Milkman
James R. Coltharp
Bryon F. Marchant
Jane Mago
Richard K. Welch
David R. Siddall
Lauren Belvin
Rudolfo M. Baca

Ralph Haller
F. Ronald Netro
Beverly G. Baker
Martin D. Liebman
John J. Borkowski
Dr. Thomas P. Stanley
Bruce A. Franca
Richard M. Smith
Dr. Michael J. Marcus
Rosalind Allen
Richard B. Engelman
Edward A. Jacobs

Modified NPRM Band Plan



	Shared among wide-area AVM systems without the use of time-sharing.
	Shared among wide-area AVM systems on a time-sharing basis.
	Local-area AVM
	Part 15 Devices

Notes:

1. Wide-area forward links are to be located in the sub-band in which a licensee's wideband pulse is generated.
2. Local-area AVM and wide-area AVM would share at 918–926 MHz on a height-power differential basis pursuant to Section 90.173(b) of the Commission's Rules. Thus, the local-area systems would not time-share with wide-area AVM systems.

Modified NPRM Band Plan

General Principles: (1) A compromise accommodation that attempts to meet minimum spectrum requirements. (2) A band plan that can be adopted on the often conflicting record in Docket 93-61 so as to bring it to a swift conclusion.

Wide-Area AVM: Affords spectrum for a variety of competitive wide-area technologies. Does not change the current amount of spectrum allocated. Recognizes that there are technologies that, according to their proponents, are not suitable for time sharing. Allows such non-time sharing systems to work out their own sharing arrangements based on spacial diversity, frequency diversity, a combination of these, or other methods. Provides spectrum for wide-area technologies in which time-sharing would not be required and in which there would be no operation of local area systems except as may be grandfathered. Provides spectrum for wide-area systems that can time share with other wide-area systems and that can share on a co-primary basis with local-area systems (on a height-power differential basis making use of near-far considerations). A sub-band within which time sharing for wide-area systems also facilitates open entry for evolving technologies and for local government licensees. Those wide-area systems time-sharing in the upper sub-band will face some performance degradation and/or increased infrastructure cost because of the diminished bandwidth available.

Local-Area AVM: Affords sufficient spectrum to accommodate a variety of existing and proposed technologies used to serve over a million motor vehicles and over a million rail cars. Provides for at least two six MHz wide channels to accommodate new high-speed technologies with some flexibility to shift center frequency if needed to ameliorate interference. Local-area systems will face some added coordination challenge because of the presence of wide-area systems in part of the spectrum available to them, but such operation should be manageable.

Amateur: No change in the current regulations. Amateurs would have increased certainty as to where various types of higher and lower priority systems might operate.

Part 15 Unlicensed: No change in the current regulations, but Part 15 devices would have 10 MHz of "safe havens" in which system designers could reasonably predict lower noise levels and a higher degree of compatibility. Such a band plan could also be coupled with a more quantitative definition of harmful interference, a rebuttable presumption of non-interference for certain devices, and/or a requirement to negotiate over the resolution of interference.